

United States District Court
Eastern District of Michigan
Southern Division

United States of America,

Plaintiff,

vs.

Civil No. 15-11574

Honorable Robert H. Cleland

Real Property Located at
6001 N. Ocean Drive, Unit 806,
Hollywood, Broward County,
Florida, Including all Buildings,
Fixtures, Improvements, and
Appurtenances;

Defendant *in rem*.

**ORDER GRANTING GOVERNMENT'S EX PARTE APPLICATION FOR
A POST COMPLAINT RESTRAINING ORDER
PURSUANT TO 18 U.S.C. § 983(j)(1)(A)**

This court, having considered the Ex Parte Application of the United States for a Post-Complaint Restraining Order pursuant to Title 18, United States Code, Section, 983(j)(1)(A) hereby **ORDERS** as follows:

1. Olga Zigmond, Felix Zigmond, Yelena Bolintskaya, Simona Zigmond, the adult daughter of Boris and Olga, Pavel Zigmond, the adult son of Boris and Olga Zigmond, their agents, servants, employees, attorneys, family members and those

persons in active concert or participation with them, and those persons, financial institutions, or entities who have any interest or control over the subject property are immediately **RESTRAINED** and **ENJOINED** from attempting or completing any action that would affect the availability of the defendant property or the value of the property for federal forfeiture including but not limited to transferring, assigning, pledging, distributing, encumbering, wasting, secreting or otherwise disposing of, diminishing the value of, or removing from the jurisdiction of the Eastern District of Michigan, all or any part of their interest, direct or indirect, in the defendant *in rem*.

2. Claimant's Counsel are immediately **ORDERED** to advise their client that she may face criminal prosecution if she violates Title 18, United States Code, Section 2232 which provides as follows:

(a) Destruction or removal of property to prevent seizure - Whoever, before, during, or after any search for or seizure of property by any person authorized to make such search or seizure, knowingly destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government's lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both.

(b) Impairment of *in rem* jurisdiction.—Whoever, knowing that property is subject to the *in rem* jurisdiction of a United States court for purposes of civil forfeiture under Federal law, knowingly and without authority from that court, destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of impairing or

defeating the court's continuing *in rem* jurisdiction over the property, shall be fined under this title or imprisoned not more than 5 years, or both.

3. This Court further **ORDERS** the United States Department of the Treasury, Internal Revenue Service-Criminal Investigations, and/or their designee to take the following measures:

- a) to enter immediately the defendant real property, including any structures, on one or more occasions during the pendency of this *in rem* forfeiture action against the defendant real property, for the purpose of conducting an inspection and inventory and appraisal of the defendant real property, and
- b) to be accompanied on any such occasion by any appraiser(s) selected by it for the purpose of appraising the condition and value of the defendant real property pursuant to Title 18, United States Code, Sections 985(b)(2) and 983(j), which appraisal may include, among other means, still and video photography;
- c) to be accompanied on any such occasion by any government and contract personnel selected by it for the purpose of conducting an inspection and inventory of the defendant real property, which inspection and inventory may include, among other means, still and video photography;
- d) to be accompanied on any such occasion by any federal, state, and local law enforcement officers selected by it to ensure the safety of personnel acting under this Restraining Order; and
- e) to advise anyone that any interference with anyone acting under the

authority of the Restraining Order shall be deemed a violation of a Court order and may be punished as a contempt, as a violation of Title 18, United States Code, Section 2232, prohibiting the impairment of *in rem* jurisdiction, or otherwise as provided by law.

The United States further requests that this restraining order remain in full force and effect until further order of this Court.

4. Service of the Restraining Order

The United States further requests that the Department of Justice, the United States Department of Treasury, Internal Revenue Service-Criminal Investigations or their designees be directed to serve a copy of the restraining order on Olga Zigmund, Felix Zigmund, Yelena Bolotinskaya, Simona Zigmund, and Pavel Zigmund and to make a return thereon reflecting the date and time of service.

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 24, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 24, 2018, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522